

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF MASSACHUSETTS

PAUL E. PARTRIDGE and PAUL E.
PARTRIDGE, JR.,

Plaintiff,

v.

APPLICA CONSUMER PRODUCTS, INC.
and BRINK'S HOME SECURITY, INC.,
Defendants.

CIVIL ACTION NO. 05-10601MBB

**ANSWER OF THE DEFENDANT, APPLICA CONSUMER
PRODUCTS, INC., TO THE CROSS-CLAIM OF
THE DEFENDANT, BRINK'S HOME SECURITY, INC.**

Now comes the defendant, Applica Consumer Products, Inc. ("Applica") and hereby responds to the Cross-Claim of the co-defendant, Brink's Home Security, as follows:

1. Applica lacks sufficient information to admit or deny the allegations contained in paragraph 1 of the cross-claim.
2. Applica admits the allegations contained in paragraph 2 of the cross-claim.
3. Applica lacks sufficient information to admit or deny the allegations contained in paragraph 3 of the cross-claim.
4. Applica admits the allegations contained in paragraph 4 of the cross-claim.
5. Applica admits the allegations contained in paragraph 5 of the cross-claim.
6. Applica admits the allegations contained in paragraph 6 of the cross-claim.
7. Applica denies the allegations contained in paragraph 7 of the cross-claim.

WHEREFORE, the defendant, Applica Consumer Products, Inc., respectfully requests that this Honorable Court dismiss the cross-claim of the defendant, Brink's Home Security, Inc., and enter judgment in its favor, together with its costs.

AFFIRMATIVE DEFENSES

FIRST AFFIRMATIVE DEFENSE

By way of affirmative defense, Applica says that the cross-claim of the defendant, Brink's Home Security, Inc., fails to state a cause of action upon which relief can be granted.

SECOND AFFIRMATIVE DEFENSE

By way of affirmative defense, Applica says that, if the defendant, Brink's Home Security, Inc., suffered damages, as alleged, such damages were caused by someone for whose conduct Applica was not and is not legally responsible.

THIRD AFFIRMATIVE DEFENSE

By way of affirmative defense, Applica states that, to the extent that it had any obligations to the defendant, Brink's Home Security, Inc., any such obligations were performed.

JURY DEMAND

THE DEFENDANT, APPLICA CONSUMER PRODUCTS, INC. DEMANDS A TRIAL
BY JURY ON ALL ISSUES WHERE THERE IS A RIGHT TO JURY TRIAL.

Respectfully Submitted,
Applica Consumer Products, Inc.,
By its attorneys,

/s/ Geoffrey M. Coan
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Geoffrey M. Coan, BBO# 641998
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Dicker LLP
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Boston, MA 02110
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CERTIFICATE OF SERVICE

I, Geoffrey M. Coan, hereby certify that I have this 11th day of October, 2005, served a copy of the foregoing upon all parties of record by electronically mailing to:

Jason E. Cohn, Esquire
Tommasino & Tommasino
Two Center Plaza
Boston, MA 02810

Jillian B. Hirsch
Day, Berry & Howard LLP
One International Place
Boston, Massachusetts 02110-3179

/s/ Geoffrey M. Coan
Geoffrey M. Coan